

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROGER ALLEN JOHNSON,**  
**Plaintiff,**

**V.**

**EMILIA CAPUTO, et al,**  
**Defendants.**

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**CIVIL ACTION**

**NO: 11-2603**

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of June, 2013, upon careful and independent consideration of Defendants' Answer to Second Amended Complaint, and after a careful review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Document No. 50), it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. No. 50) is **APPROVED** and **ADOPTED**;<sup>1</sup>
2. Plaintiff's Second Amended Complaint is **DISMISSED IN PART**, as follows:
  - a. Count I shall remain against Defendants Caputo, Wilson, Gessner and PrimeCare Medical, Inc.;
  - b. Count II shall remain against Defendants Caputo, Wilson, and Gessner;
  - c. Count III shall remain against Defendant Rosati;
  - d. Count IV shall be dismissed against all Defendants;
  - e. Count V shall remain against Defendant PrimeCare Medical, Inc.;
  - f. Count VI shall be dismissed against all Defendants;

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<sup>1</sup> No objections to the report and recommendation have been filed.

- g. Count VII shall be dismissed against all Defendants; and
- h. Count VIII shall remain against Defendants Caputo, Wilson, Gessner and PrimeCare Medical, Inc.

BY THE COURT:

/s/LAWRENCE F. STENGEL  
LAWRENCE F. STENGEL, J.